



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,772	03/13/2001	Andre P. Guillory	390073	2684

7590 01/27/2003
Lathrop & Gage L.C.
Suite 2800
2345 Grand Boulevard
Kansas City, MO 64108

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
----------	--------------

2632

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,772	GUILLORY, ANDRE P.	
	Examiner	Art Unit	
	Phung T Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-10, 12, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber [U.S. Pat. 6,255,953]

Regarding claim 1: Barber discloses a tornado warning system which comprises all the subject matter as follows:

a. a transmitter in the form of the central monitor 18 (figure 1, col. 3, lines 7-35) for transmitting a signal comprising the notification including sector data indicating a specific area in which the sever weather is expected;

b. a plurality of receivers 44 (figure 3, col. 3, lines 64-67, and col. 4, lines 1-6);

c. wherein each of the receivers annunciates an alarm in response to receiving the signal only when the sector data received in the signal matches code programmed (col. 4, lines 22-25);

The receivers 44 of Barber are programmed with the sub-address, which is different than any other county or grid block (col. 3, lines 29-44). Barber does not directly disclose a plurality of receivers programmed with the sector data including a code indicating the specific area in which the receivers are located as claimed. It is seen that the receivers 44 of Barber include the code indicating the specific area because an address is a set of numbers that uniquely identifies the destination of a message sent through a communication system. Therefore, it would have

Art Unit: 2632

been obvious to one of ordinary skill in the art to readily recognize that the receivers 44 of Barber include the code indicating the specific area in order to prevent sending out a city-wide warning every time a tornado threatens one small part of the city.

Regarding claim 2: Barber discloses the emergency warning mechanism activates a siren when the transmitter is activated (col. 3, lines 59-63, and col. 4, lines 21-22).

Regarding claim 3: Barber discloses the control unit 18 (figure 1, col. 3, lines 8-11) coupled to the transmitter and the siren.

Regarding claim 4: Barber discloses the local authority comprising an authority in a county (col. 2, lines 65-67, and col. 3, lines 1-6).

Regarding claim 5: Barber discloses the local authority comprising an authority in a municipality in which the specific area is located (col. 3, lines 7-18).

Regarding claim 7: All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

Regarding claim 8: Barber discloses the signal comprising sector data indicating which of the sectors are to receive the notification (col. 3, lines 19-35).

Regarding claim 9: Barber discloses the sector data including the code for the specific area in which the receivers are located (col. 3, lines 29-44).

Regarding claim 10: Refer to claim 3 above.

Regarding claim 12: All the claimed subject matter is already discussed in respect to claims 1, 2, and 4 above.

Regarding claim 14: All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

Regarding claim 15: Barber discloses the signal comprising sector data indicating a specific area (col. 3, lines 7-18); and the signal is received by at least one receiver programmed with the sector data including a code indicating the specific area (col. 4, lines 1-6).

Regarding claim 17: Refer to claim 4 above.

3. Claims 6, 11, 13, 16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Boozer et al. [U.S. Pat. 4,682,153]

Regarding claim 6: Barber does not disclose the transmitter sends, at a regular interval, a test signal, when received by one of the receivers, causes the timer to be reset to prevent the trouble alarm from being generated. However, Boozer et al. disclose a fail-safe sensor system comprising transducer 34 (figure 3, col. 1, lines 67-68, col. 2, lines 1-6, and col. 5, lines 21-63) for sending the test signal when received by the receiver, causes the timer to be reset to prevent the trouble alarm from being generated. Therefore, it would have been obvious to the skilled artisan to utilize the teaching of Boozer et al. in the system of Barber to insure that the system is functional at all times which is an advantage.

Regarding claim 11: Refer to claim 6 above.

Regarding claim 13: Refer to claim 6 above.

Regarding claim 16: Refer to claim 6 above.

Regarding claim 18: All the claimed subject matter is already discussed in respect to claims 1a and 6 above.

Regarding claim 19: Barber discloses the receiver 44 is connected to an AC power source and a backup battery 58 (col. 4, lines 7-12).

Art Unit: 2632

Regarding claim 20: Barber discloses the receiver is tuned to receive the notification from the transmitter that is activated by an emergency warning mechanism (col. 3, lines 37-67, and col. 4, lines 1-6).

Regarding claim 21: Barber discloses the receiver is tuned to receive the notification from a transmitter that is activated in simultaneity with a warning siren (col. 2, lines 22-41).

Regarding claim 22: Barber discloses the local authority comprising an authority in a county (col. 3, lines 7-18).

Allowable Subject Matter

4. Claim 23 is allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

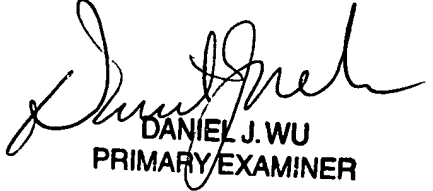
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Application/Control Number: 09/804,772
Art Unit: 2632

Page 6

Examiner: Phung Nguyen

Date: January 14, 2003


DANIEL J. WU
PRIMARY EXAMINER
1/24/03